

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

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:
UNITED STATES OF AMERICA, : Criminal Action No.
:
versus : 1:20-cr-239
:
EL SHAFEE ELSHEIKH, : April 8, 2022
:
Defendant. : Volume 9
-----x

The above-entitled Jury Trial was heard before the
Honorable T.S. Ellis, III, United States District Judge.

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P R O C E E D I N G

(Court proceedings commenced at 9:04 a.m.)

THE COURT: Good morning. This is United States against Shafee Elsheikh. And as I look around the courtroom, it is quite apparent that the counsel and the defendant are present, prepared to proceed. We have a witness.

What's the name of the witness, Mr. Parekh?

MR. PAREKH: Good morning, Your Honor. It's Edouard Elias.

THE COURT: He's a former hostage.

MR. PAREKH: Correct. From France.

THE COURT: All right. And so, I will have the jury brought in, again. Again, ladies and gentlemen, you need not stand until you hear the knock on the door. We stand in honor of the jury. And once they come in and be seated, I'll have everyone seated and then I'll ask Mr. Parekh to call the next witness.

And that's the only witness we will have for today?

MR. PAREKH: That is correct, Your Honor.

THE COURT: You may bring the jury in, please, sir.

(A pause in the proceedings.)

THE COURT: All right. You may be seated.

Good morning, ladies and gentlemen.

(Jury present.)

THE COURT: Again, I hope that you had a restful

1 and enjoyable evening. We're prepared to proceed today. And
2 at the end of today, I think I'll be able to confirm a
3 prediction as to when we will complete the evidence in the
4 case and the schedule for the remainder of the case.

5 I'll also be asking you at the next recess, you
6 might all confer with one another. We began Monday, this past
7 Monday at 11:00. However, I'm prepared to begin at 9:00, as
8 usual or 11:00, if it is any convenience to any of you, but
9 you all can discuss that. I'll accommodate either.

10 All right. Mr. Parekh -- well, first of all let me
11 have roll call, and after that I will ask you whether you --
12 anyone was unable to follow the Court's instructions to
13 refrain from discussing the matter with anyone or undertaking
14 any investigation on your own.

15 You may proceed.

16 THE DEPUTY CLERK: Juror No. 50, Laura Ann Younger.

17 JUROR: Present.

18 THE DEPUTY CLERK: Juror No. 29, Wayne Phoel.

19 JUROR: Present.

20 THE DEPUTY CLERK: Juror No. 3, James Bailes.

21 JUROR: Present.

22 THE DEPUTY CLERK: Juror No. 20, Alfred Keyser.

23 JUROR: Present.

24 THE DEPUTY CLERK: Juror No. 50, Esthar Zangeneh.

25 JUROR: Present.

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1 THE DEPUTY CLERK: Juror No. 22, John Kugelman.
2 JUROR: Present.
3 THE DEPUTY CLERK: Juror No. 26, Jennifer Murray.
4 JUROR: Present.
5 THE DEPUTY CLERK: Juror No. 14, Anne Fay.
6 JUROR: Present.
7 THE DEPUTY CLERK: Juror No. 10, Erica Denham.
8 JUROR: Present.
9 THE DEPUTY CLERK: Juror No. 30, Camille Morrison.
10 JUROR: Present.
11 THE DEPUTY CLERK: Juror No. 47, Adrian White.
12 JUROR: Present.
13 THE DEPUTY CLERK: Juror No. 14, Mirenda Fields.
14 JUROR: Present.
15 THE DEPUTY CLERK: Juror No. 22, Gwendolin McCrea.
16 JUROR: Present.
17 THE DEPUTY CLERK: Juror No. 17, Lewis Hoge.
18 JUROR: Present.
19 THE DEPUTY CLERK: Juror No. 26, Eileen Liles.
20 JUROR: Present.
21 THE DEPUTY CLERK: Juror No. 39, Ralph Stallings.
22 JUROR: Present.
23 THE DEPUTY CLERK: And Juror No. 7, Laura Buschman.
24 JUROR: Present.
25 THE COURT: All right. Again, good morning, ladies

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1 and gentlemen.

2 Let me ask whether any of you were unable to follow
3 the Court's instructions to refrain from discussing the matter
4 among yourselves or with anyone, or undertaking any
5 investigation. If so, please raise your hand. The record
6 will reflect no hands are raised, which I'm pleased to see and
7 expected.

8 All right. Mr. Parekh, you may call your next
9 witness.

10 MR. PAREKH: Thank you, Your Honor. The United
11 States calls Edouard Elias to the stand.

12 THE COURT: All right.

13 Come forward and take the oath, please, sir.

14 (Government's witness, Edouard Elias, affirmed.)

15 THE DEPUTY CLERK: Thank you.

16 (Witness seated.)

17 THE COURT: All right. Mr. Parekh, you may proceed,
18 sir.

19 MR. PAREKH: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. PAREKH:

22 Q. Good morning, sir.

23 A. Good morning.

24 Q. If you can move your chair up, speak as loudly as
25 possible so everyone in the courtroom could hear you, we'd

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1 appreciate it.

2 Can you please state and spell your name for the
3 record.

4 A. My name is Edouard Elias, E-D-O-U-A-R-D E-L-I-A-S.

5 Q. Where do you currently reside?

6 A. I reside in France, in Britain.

7 Q. And where are you originally from?

8 A. I'm originally from France.

9 Q. What languages do you speak?

10 A. I speak French and Eritrea, a little bit of English, a
11 little bit of -- a rarely few of Arabic.

12 Q. And are you comfortable testifying solely in the English
13 language today?

14 A. Yes.

15 Q. Describe your educational background?

16 A. I'm a photographer. I started a business coop and I
17 stopped everything for doing my job. A freelancer and
18 photographer.

19 Q. And how are you currently employed?

20 A. I'm still a freelancer photographer working with press.

21 Q. How long have you been doing that?

22 A. Now, it's from 2012, so 10 years.

23 Q. What types of stories do you cover?

24 A. Mainly warfare.

25 Q. And do you travel to conflict zones?

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1 A. Yes, two, yeah.

2 Q. And have you been to Ukraine recently to cover the
3 ongoing war there?

4 A. Yes.

5 Q. And when did you arrive in the United States?

6 A. I arrived yesterday night in the United States and just
7 before I was in Sahel, which is Africa covering stories with
8 the French Army.

9 Q. And Mr. Elias, if you could just keep your voice up, we'd
10 appreciate it.

11 A. Yes.

12 Q. Did you go to Syria in June 2013?

13 A. Yes.

14 Q. Why?

15 A. Because I was covering wars there since 2012.

16 Q. Who did you travel with?

17 A. I traveled with Didier Francois, which is a French
18 journalist too.

19 Q. Did you know Didier Francois before?

20 A. Yes, I met him in Syria.

21 Q. When did you meet him?

22 A. I met him during, I think, the month of December, 2012.

23 Q. And the purposes of your trip was to cover what,
24 precisely, there?

25 A. We were going to make pictures and interviews about the

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1 war going on, and this was because we had some clues about the
2 chemicals -- the use of chemical weapons by the government of
3 Bashar al-Assad.

4 Q. Did something happen to you on June 6, 2013?

5 A. Yes. As soon as we get inside Syria, some minutes after
6 being in the Syrian territory, we met at check point. We saw
7 like five people masked with guns, Kalashnikov and shotguns,
8 and they asked us to get down on the ground, and then they
9 took us. They put some blindfold on our heads, they put us on
10 a truck, and they took us to a new place.

11 Q. Before we continue, I would like to show you a map that's
12 been previously admitted as Government's Exhibit 2-1.

13 THE COURT: It's on the screen. It will be on the
14 screen right in front of you.

15 THE WITNESS: Thank you.

16 BY MR. PAREKH:

17 Q. And Mr. Elias, if you can describe for us where you
18 entered Syria and where you were going?

19 A. So we went by the border, of Turkish border, in the north
20 called Kilis. Kilis and Azar are the two cities on the
21 border. Kilis is on the Turkish side. On this side, yeah.
22 This area. I don't know if you can see the red dot.

23 So we crossed from Kilis, Turkish side, to Azaz,
24 Syrian side. And it was just a little bit of south of Azaz
25 because we wanted to reach Halep Aleppo, and we want to make

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1 this road like this.

2 Q. And you were with Didier Francois at the time?

3 A. I was with Didier Francois, yes.

4 Q. Where were you headed exactly on that particular trip?

5 A. We were heading to Aleppo.

6 Q. And what was the purpose of heading to Aleppo at that
7 time?

8 A. Because at this time the city was quite surrounded by the
9 Bashar al-Assad regime, and we thought it was the place to go
10 to speak about the use of chemical weapons.

11 Q. How soon after you crossed the border into Syria were you
12 kidnapped?

13 A. Let's say between less than one hour.

14 Q. Now, you described individuals who were with AK-47s
15 kidnapping you?

16 A. Yes.

17 Q. Were they all fully masked?

18 A. Yes. Always masked, always keffiyeh, which is -- hide
19 the faces.

20 Q. Okay. So let me just clarify. So the only thing you
21 could see were the eyes?

22 A. Yes.

23 Q. And the entire face, otherwise, was covered?

24 A. Of course.

25 Q. Were you blindfolded then at that point?

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1 A. Yes. They put me some clothes on the head and was trying
2 to get my head down inside the truck. So I was in the front
3 of Didier and I could barely see what was going on, yeah, who
4 the guys were with.

5 Q. Did they point their AK-47s at you?

6 A. Yes, they did.

7 Q. And so, what happened next?

8 A. Next, they took us to a place, a new place. So it was
9 quite strange because they turned back with the car and they
10 go a bit north and then to the right, and we didn't really
11 knew where we were. The thing is that they took us on this
12 place and they took us clothes off, so, jacket, belt, shoes.
13 They asked me to go on my knees. They put a Kalashnikov on my
14 neck, and then they did like a simulation of execution, like,
15 armed Kalashnikov, and then they click on it, yelling in
16 Arabic.

17 Q. Let me just clarify, so when you say --

18 THE COURT: Just a moment, I think you said
19 "Kalashnikov."

20 THE WITNESS: AK-47, sorry.

21 THE COURT: Next question.

22 BY MR. PAREKH:

23 Q. That was exactly my next question, Your Honor.

24 At this point in time, was Didier Francois with you?

25 A. Yes, he was, yeah.

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1 Q. So was it just you two getting kidnapped on June 6, 2013?

2 A. Yeah, we were kidnapped together.

3 Q. And did they take any of your belongings?

4 A. Yes. They took my clothes, my watch, my camera, and my
5 -- let's say, my computer, everything was in a little bag that
6 I had with me, and they took everything.

7 Q. Where exactly did they take you?

8 A. They took us to a place, I think, to the northeast where
9 I was captured. I don't know exactly where I was in this
10 position. I think -- it was quite strange because there was a
11 base --

12 (Court reporter clarification.)

13 THE COURT: I think he said there was a base of
14 Assad near there.

15 THE WITNESS: Yeah.

16 THE COURT: Assad being the president of Syria.

17 THE WITNESS: Yeah.

18 THE COURT: And that's -- he was in a war with
19 everyone else that tried to get rid of him.

20 THE WITNESS: And we were in the river area so it
21 was quite strange to be moved in this direction.

22 THE COURT: All right. Next one.

23 It was quite strange because you thought you were
24 being moved closer to Assad forces.

25 THE WITNESS: Exactly.

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1 THE COURT: Next question.

2 BY MR. PAREKH:

3 Q. Mr. Elias, did the masked gunmen say anything to you?

4 A. The guys was speaking in Arabic, but some guys was, like,
5 CIA and some stuff just to, I think, to scare us. But we
6 didn't have any conversation with us -- with them, sorry.

7 Q. Did it appear to you that they were calling you and
8 Didier spies?

9 A. Yes.

10 Q. Mr. Elias, describe the initial days of your captivity?

11 A. Then after this execution simulation they took us in two
12 different rooms.

13 THE COURT: What simulation?

14 THE WITNESS: They put AK-47 on my neck, they arm
15 it, and they click, but there is no bullet on it.

16 THE COURT: So that's what you mean by execution
17 simulation?

18 THE WITNESS: Simulation, yes.

19 THE COURT: Go ahead, sir.

20 THE WITNESS: So I've been attached for three days
21 to either on the ground without eating, without drinking, and
22 every time I was falling asleep they were coming and punching
23 me. So I start to hallucinate by -- these are irritation --
24 without drinking water.

25 BY MR. PAREKH:

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1 Q. Hallucinate?

2 A. Hallucinate, yeah.

3 And it was impossible for me to know what was going
4 on. And then I would start to hear some screams and yelling,
5 but it was really strange because it was in English. And so,
6 I was terrified.

7 Q. And did you later learn who was screaming in English?

8 A. Yes. It was a former hostage, which I spent some time
9 with called Daniel Rye Ottosen.

10 Q. And what was your understanding of what was happening to
11 Daniel Rye Ottosen based on what you could hear?

12 A. Based on what I could hear, this guy was tortured and I
13 was really scared because I thought I was going to be next.

14 Q. And where in proximity was the screaming coming from
15 compared to where you were?

16 A. It was in the other room, I think, in front on the right.

17 Q. At the time were you alone?

18 A. I was alone. Didier was in the room close to me, so,
19 yes, I was alone in this room.

20 Q. And when you describe being chained to a radiator, what
21 type of room were you in?

22 A. It was quite strange, because I barely see like a map on
23 the right, on the wall, but I could not recognize it was like
24 a maritime map or a school map or something.

25 Q. And was it a bedroom or a bathroom?

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1 A. It was nothing, it was just a room with a heater and
2 nothing inside.

3 Q. And you mentioned that you went three days without
4 anything whatsoever to drink or eat?

5 A. Yeah.

6 Q. When you mentioned, when you were falling asleep at the
7 time, someone was beating you, is that correct?

8 A. Exactly, yeah.

9 Q. Can you just describe that in a little bit more detail?

10 A. He was walking on my back, punching me, giving me some
11 foot, yeah, a punch, I would say that, and trying to get to
12 walk on my hands and stuff.

13 Q. And was that so that you wouldn't fall asleep?

14 A. Yes.

15 Q. And that individual who was doing that to you, was that
16 individual masked?

17 A. Yes, he was, yeah.

18 Q. Were you blindfolded?

19 A. They put, yes, some clothes on my head which was
20 sometimes falling down. And every time this fell down, he was
21 punching me. So I tried to always take my head on the ground
22 to keep the mask on it, because I knew if it was going down I
23 would be punched.

24 Q. After these few days that you described, were you moved
25 to another location?

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1 A. Yes. We have been moved to another location. It seems
2 to be a big city. So we thought it was Halep Aleppo, because
3 there was a lot of noise around the car when we were being
4 moved.

5 Q. When you say "we," was that Didier Francois also?

6 A. Didier Francois and me, yeah.

7 Q. I just want to briefly show you Government's Exhibit 2-7,
8 which has previously been admitted. It will show up on your
9 computer screen in a moment.

10 When you say you were moved to Aleppo, a location in
11 Aleppo, is that shown in box No. 4?

12 A. Yes. It's the hospital of Halep.

13 Q. And just taking a look at the other items on this
14 exhibit, number 5, 6, 7, 8, and 9, does that accurately track
15 the locations where you were held?

16 A. Exactly.

17 Q. When were you ultimately released?

18 A. I was released on the ninth place called the Desert
19 Prison.

20 Q. And what date was that?

21 A. It was in, I think, beginning of April, let's say, maybe
22 on the 10th of April, 2014.

23 Q. And from June 6, 2013 to April 2014 were you always in
24 captivity?

25 A. Yes, I was.

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1 Q. Now, when you arrived at the Aleppo hospital, what
2 happened there?

3 A. When we arrived, we are blindfold, and then someone took
4 my blindfold up, and there was like a guard, masked guard. It
5 was a gun on my forehead and then he wanted to play a game.
6 He asked me some questions in Arabic. "Do you know who we
7 are?" I didn't knew so I tried some answers. And at the end
8 he told me we are *nahn dawlat 'iislamia*, which means in Arabic
9 we are the Islamic State.

10 Q. And that's what the masked individual told you?

11 A. Yes.

12 Q. Was he fully masked?

13 A. He was fully masked, yes.

14 Q. When you say "Islamic State," are you also referring to
15 ISIS?

16 A. Yeah, exactly.

17 Q. Okay. Was that the first time that you had learned that
18 you were being held by the Islamic State?

19 A. It was the first time that I had heard that I was held by
20 Islamic State and I heard about Islamic State too.

21 Q. What happened during your initial days at the Aleppo Eye
22 Hospital?

23 A. On this initial days, I was with Didier and I met Daniel
24 Rye Ottosen before being taking apart in the isolation room
25 where I spend some days alone close to the torture room of the

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1 Islamic State. So I was hearing the screamings and the
2 beatings and the torture on the other prisoners. And they
3 slaughtered people in front of my room that I could see from
4 the -- it's not windows, but for air breezing, you know,
5 opening inside the rooms. So that put a lot of pressure on
6 me.

7 Q. Let's just go over that in some detail. You mentioned
8 that you heard slaughtered --

9 A. Yeah.

10 Q. -- people outside of your door?

11 A. Yes.

12 Q. Just describe what you mean by that?

13 A. We heard some people beating someone inside the corridor.
14 You could see that there is blood everywhere, and then the --
15 the guys seems to be kneeling in front of the door and they
16 use some knife so you can hear them screaming and then you can
17 hear nothing just some like -- if it was like water, you know,
18 the screams stopped, and then the guys down. So I tried not
19 to look at everything, but I -- I was thinking maybe I can try
20 to protect yourself mentally about that. And, yeah. When
21 they took me out of the room, to make some interrogation, they
22 could drag me in the blood of the other people.

23 Q. Were you in isolation at that time?

24 A. Yes, I was.

25 Q. At night, could you hear any particular sounds?

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1 A. Yes, I was hearing -- I could not sleep because I could
2 hear the beating of the people and the torture of the people.
3 And the worse thing is when you start listening to a gasp.

4 (Witness crying.)

5 But you hear beatings. They continue beating.

6 MR. PAREKH: Can we just get the witness a little
7 bit of water. Mr. Elias --

8 THE COURT: Let him finish his answer, if he wishes
9 to. You may finish your answer, if you wish.

10 THE WITNESS: No. It was the worse thing when you
11 hear the beatings and the guy stopped yelling because you know
12 they're dead.

13 BY MR. PAREKH:

14 Q. Mr. Elias, at some point were you moved out of isolation?

15 A. Yes. They put me back with Didier Francois.

16 Q. And what happened at that time?

17 A. The first thing that we speak about with Didier Francois,
18 was to out/finish with lives. We figured out that we have the
19 same, let's say, tactic. We found some plastic bags and ropes
20 to put, I would say, around the neck so we could stop
21 breathing because we didn't want to, let's say, live the same
22 things like the other prisoners. So we tried to find a way of
23 suicide.

24 Q. You and Didier Francois were looking for a way to kill
25 yourselves?

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1 A. A way. I don't know if we could do it, but at least it
2 was a way of being -- yeah, a choice.

3 Q. And that was because of the torture that you had heard?

4 A. Yeah. The global ambience of the room, area.

5 Q. Did you have the opportunity to observe Daniel Rye when
6 you met him?

7 A. Yes.

8 Q. And what did you observe?

9 A. Let's say it was -- it's hard to say, like this, but he
10 was not like a human being.

11 Q. Describe?

12 A. It was like a corpse, you know, like, a body just barely
13 speaking. It was like with a military uniform and they have
14 (indiscernible) everything was destroyed.

15 Q. Everything was destroyed?

16 A. Yeah.

17 Q. At the end of July 2013, beginning of August 2014, did
18 you meet any other Western hostages?

19 A. Yes. We met Nicholas Hénin, Pierre Torres, Daniel Rye.
20 And then they took me to a room. I think it was night. They
21 took me out of the room, and then they put me in a new room
22 where you have some moving around me, but I didn't take my
23 blindfold off because maybe it was some guards or maybe it was
24 some guys from the prison.

25 And then, the guy took me out blindfold. And there

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1 are four people in front of me. It was like also cops, you
2 know, it was like skinny people, dirty people, with beards,
3 hairs. We could see that they have been punched, tortured.
4 And they spoke to me English. So, okay, Who are you guys?
5 And the first one told me his name was Federico Motka, David
6 Haines, John Cantlie and James Foley.

7 Q. I want to show you in your binder Government's Exhibit
8 10-3.

9 MR. PAREKH: And, Your Honor, if there's no
10 objection, I can move to admit it. It's a photograph.

11 MS. GINSBERG: No objection.

12 THE COURT: It's admitted.

13 (Government's Exhibit No. 10-3 was admitted into
14 evidence.)

15 BY MR. PAREKH:

16 Q. It may be easier, since it's admitted, sir, to take a
17 look at the computer screen.

18 A. Yup, this is John Cantlie.

19 Q. This is John Cantlie?

20 A. Yeah.

21 Q. And if I can show you Exhibit 10-2, which has previously
22 been admitted?

23 A. Alan Henning, but he was not, at this time, with us.

24 Q. Alan Henning you met later?

25 A. Yeah, later, yeah.

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1 Q. Give me one moment.

2 A. It's -- no, this one, yeah, David Haines. So the same
3 picture on the screen but --

4 Q. What's that exhibit number?

5 A. 10-1.

6 Q. 10-1?

7 A. Yes, 10 dash 1, sorry.

8 MR. PAREKH: Can we just display 10-1 on the screen.
9 I believe it's been previously admitted.

10 MS. GINSBERG: Yes, it is.

11 THE COURT: Let me verify. Admitted. You may do
12 so.

13 (Exhibit published.)

14 BY MR. PAREKH:

15 Q. So David Haines you met at this time?

16 A. Yup.

17 MR. PAREKH: And 5-2, please, if we can publish.
18 It's previously been admitted.

19 THE WITNESS: This is James.

20 BY MR. PAREKH:

21 Q. James Foley?

22 A. Yeah.

23 Q. So the four hostages you met at this time: John Cantlie,
24 James Foley, David Haines, and Federico Motka?

25 A. Yeah.

1 Q. You described their condition?

2 A. Yeah. They were terrorized also. And they start to
3 spoke about previous days, because we always ask the same
4 question between hostages: When have you been caught; by who;
5 what's happening? We always try to cross information. And
6 they told us that they've been guard by English-speaking
7 guards, three English-speaking guards who are torturing them.

8 Q. And specifically, John Cantlie, James Foley, David
9 Haines, and Federico Motka --

10 A. Yeah.

11 Q. Indicated that they had been tortured by three
12 English-speaking guards?

13 A. Yes.

14 Q. What was the condition of James Foley at that time?

15 A. He was, you know, really skinny too. He was speaking
16 quietly because you could see that he lacked food, he lacked
17 water. He was not in good shape. Good shape, let's say.

18 Q. At some point, thereafter, did you meet an individual by
19 the name of Steven Sotloff?

20 A. Yes.

21 Q. Approximately when was that?

22 A. It was in the beginning of August they put a new hostage
23 inside the room. He told us that his name was Steven Sotloff.
24 And then we spend all of the time together. So he had just
25 been captured, he told us, like some days before. It was --

1 yeah, he was in good -- let's say, less bad shape than the
2 other ones. He was terrorized.

3 Q. If we can put up 7-2.

4 A. Yeah, this is the guy.

5 Q. This is?

6 A. Steven Sotloff, yeah.

7 Q. At some point after you met these new Western hostages,
8 were you moved to another prison?

9 A. Yes. We were separated. James and John went to another
10 place that we didn't know, but we kept David Haines and
11 Federico Motka with us. And then, we were put in a new prison
12 which was maybe a little bit more north from the prison in
13 Halep.

14 Q. In Aleppo?

15 A. Yeah. It was maybe a little bit north of Aleppo, the
16 mere outskirts of Aleppo, yes.

17 Q. What was the name of that prison?

18 A. We called this the Wood Factory.

19 Q. Is it also called Sheik Najjar?

20 A. Yes.

21 Q. And in September 2013, at this prison, the Wood Factory,
22 or Sheik Najjar, did you meet any notable guards?

23 A. Yes. One morning some people banged on the door and was
24 quite different than the usual guards. They asked us to look
25 -- to face the wall. And to be -- yeah, to face the wall, and

1 in English. It was quite strange for me. So some -- three
2 new guards came inside the room because we are always trying
3 to look behind us. Three new guards with the slight same
4 uniform walking together inside the room, which was very
5 different than usual. And one came close to me. I could see
6 that he had, like, a gun on his leg, like good equipment with
7 nice boots and nice green uniforms. And he asked me some
8 questions with proper English-speaking. It is like I couldn't
9 little bit understand because he was speaking quite fast and
10 my English is not so good. He asked me about the condition of
11 captivity. So I told him that we are starving and we should
12 have maybe some more food. We would like to have some more
13 food. And we had some lice. Lice, I can't explain in
14 English, but it is like little crabs, or little insects.

15 Q. Lice?

16 A. Yeah. It's on our pants and stuff. And when he heard
17 about that he punched me and says this is a sexual disease.
18 And then he turned back and he went out -- the three of them
19 went out of the room. For me it was, okay, strange guy.

20 And then I heard some cries inside the room. I
21 turned back and I saw Federico Motka that he is shaking
22 because they are like completely terrorized by the situation.
23 And some minutes later, it took us like 10 minutes to be able
24 to speak with him because it was like for them it was like a
25 disaster. And they told us these are the beaters. These are

1 the three guards who are -- took us from the -- how can you
2 say, they kept us before. These are the guards who tortured
3 us. So now things are completely different. Because even
4 about what I lived inside my first day of capture, what I've
5 been through, Federico Motka, and David Haines, and James and
6 John, it was nothing in comparison.

7 Q. It was nothing compared to?

8 A. To what they say to us. So when they told us that
9 they -- these was the guards, we are all terrorized.

10 Q. All terrorized?

11 A. Yeah.

12 Q. I just want to back up to some of the details that you
13 mentioned.

14 During your testimony just now you mentioned that
15 when the three guards walked in, it was something completely
16 different to you?

17 A. Yeah.

18 Q. Can you just explain that?

19 A. Usually, local guards, Arabic guards, were just knocking
20 on the door, opening the doors and staying outside. Sometime
21 they beated us, but it was in the corridors and stuff.

22 Q. Staying outside the room?

23 A. Staying outside the room. For quite the first time you
24 have people coming inside the room, between us. It was really
25 different. And also, their behavior they are not really

1 speaking about -- it looked like professionals. You know.

2 They have good equipment, they have boots. Usually Syrian
3 guards have flip-flops.

4 Q. Flip-flops?

5 A. Yeah. And then it was, yeah, different. You can -- you
6 can feel that something is very different. It's not the usual
7 guard.

8 Q. So you're saying the guards you were seeing before had
9 flip-flops?

10 A. Yeah.

11 Q. And the Beatles had good shoes?

12 A. All three, yes.

13 Q. All three?

14 A. Yeah.

15 Q. You also mentioned that you saw them in, like, green
16 military equipment.

17 A. And face masks, yeah.

18 Q. And face masks?

19 A. Black one, yeah.

20 Q. I want to show you -- I'm going to ask you to turn to a
21 specific exhibit in your binder. And give me one moment, I'll
22 find it for you.

23 If you can turn to 18-1, please. And just look at
24 the exhibit on your own. You don't have to hold it up yet
25 because it has not been admitted into evidence. Don't hold it

1 up.

2 A. Okay.

3 MR. PAREKH: Your Honor, unless it's an objection, I
4 would ask to admit it. It's a redacted photograph of another
5 photograph that has already been admitted into evidence.

6 THE COURT: Let's give Ms. Ginsberg an opportunity
7 to see it.

8 MS. GINSBERG: No objection, Your Honor.

9 THE COURT: All right. There's no objection from
10 the defense, so you may display it.

11 What exhibit number is it?

12 MR. PAREKH: This is 18-1, Your Honor.

13 THE COURT: All right. 18-1 is admitted.
14 (Government's Exhibit No. 18-1 was admitted into evidence.)

15 THE COURT: All right. Next question.

16 BY MR. PAREKH:

17 Q. Can you see it there, Mr. Elias?

18 A. Yeah, I can see it here.

19 Q. Is this clothing similar to the clothing that you saw the
20 three Beatles wearing?

21 A. Yes.

22 Q. Describe it for us?

23 A. It was green trousers with the same kind of flat jacket
24 equipment and they have like black face masks. So like on the
25 picture, but, yeah, it seems like this equipment, yeah.

1 Q. And the face masks, was it fully covering their face?

2 A. Yeah, fully covering the face and only the hole that we
3 can see the -- at this time, I just see the shape of the
4 people. And without their masks, I could not look inside them
5 -- in their eyes.

6 Q. And you also mentioned during your testimony when you
7 were describing the interaction with the Beatles that there
8 was a weapon that you saw on one of the Beatles who talked to
9 you?

10 A. Yes.

11 Q. What type of weapon was it?

12 A. It seemed like a Glock -- like a handgun kind of Glock on
13 the left leg.

14 Q. A Glock pistol?

15 A. A Glock pistol, yes.

16 Q. Now, after the Beatles left, did David Haines tell you
17 anything about the specific treatment he had received from the
18 three Beatles?

19 A. They told us about the torture. I don't remember all
20 because there are many of it. They speaking -- they need to
21 keep hands out of the door of the window. They told you
22 about, like, beatings, lots, lots of beatings. Maybe also
23 about waterboarding. So it was, I think, all the kind of
24 torture that you can do to someone.

25 Q. And did they say that all three Beatles were present?

1 A. Yes.

2 Q. What was the naming convention of the three Beatles?

3 A. There's John, Ringo, and George. The three names. And
4 they told us they called them like this so because these guys
5 were listening at the door, so, they could speak about them
6 without making recognition, like, it's like a nickname, you
7 know.

8 Q. And you mentioned that it appeared that the Beatles were
9 professionals. What do you mean by that?

10 A. I mean that it was really different behavior than the
11 usual guards. They were working together like making some
12 noise like this, you know, with the fingers.

13 Q. Snapping of the fingers?

14 A. Snapping with the fingers and doing something so they
15 knew each other. They knew how to work together. It was like
16 a team, a real team.

17 Q. A team of three?

18 A. Yeah, a team of three.

19 Q. Did they appear they knew each other very well?

20 A. Yeah.

21 Q. Were they careful to not reveal their identities?

22 A. Yes. Because they always ask us to face the wall. They
23 are some -- with mask on the head. And always their hands
24 were, like, covered by gloves.

25 THE COURT: You said gloves, is that right?

1 THE WITNESS: Yeah, gloves, yeah.

2 MR. PAREKH: I want to show you Government Exhibit
3 1-24E. It's been previously admitted, Your Honor.

4 THE COURT: All right. You may do so. Publish it
5 if you wish.

6 (Exhibit published.)

7 BY MR. PAREKH:

8 Q. Mr. Elias, I think it's on the computer screen in front
9 of you.

10 Do you see the individual wearing the black mask?

11 A. Yes.

12 Q. Did all three Beatles wear a mask that looks like the
13 mask in 1-24E?

14 A. Absolutely. It was like a long one.

15 Q. It was like a what?

16 A. It's a long opening and not just only two like this. It
17 was this kind of mask that they were wearing, yeah,
18 absolutely.

19 Q. And that's all three Beatles?

20 A. Yeah.

21 Q. Were you also forced to sit on the floor or kneel on the
22 floor?

23 A. Yes.

24 Q. And was that true for every single time that they came?

25 A. Absolutely, yes.

1 Q. When you were at this particular prison, what type of
2 cell were you and the other hostages held in?

3 A. On this time when we met these guards we're like in two
4 meters large and five meters long cell. It was very hard
5 because you only have a little opening, little window. So it
6 was in September in Syria, it was still quite hot. It was
7 really difficult to breathe, to breathe in this cell. We are
8 sleeping also like, you know, slaves boats, or one sleeping on
9 this side with the head in front, the other one on the other
10 side, with head on the other side. Because we could not -- we
11 try to spare the most -- the more space inside the room. It
12 was quite hard to lay completely for sleeping. So, yeah, it
13 was quite a difficult place to be and to survive.

14 Q. And this is a prison where the Beatles were regularly
15 coming?

16 A. Except for the first time we saw them and, yes, it was in
17 the same area and then they changed us from this room to
18 another one, a little bit bigger. And, yeah, we saw them.

19 Q. Did it appear that the three Beatles were in charge?

20 A. It appeared that they -- they came often. And it seems
21 that -- yes, it was not our usual guard giving us the food. I
22 don't think the Beatles give us any, even once, during all my
23 captivity, food. It was not this kind of guard. He was a
24 guard -- very well the guy in charge, yeah.

25 Q. Turning to the topic of food, was David Haines getting

1 enough food to eat?

2 A. No. I was quite surprised when David Haines told me that
3 his weight before being captured, he told me that he was,
4 like, maybe 100 kilos, that he was quite fat, let's say. When
5 I saw him, he was skinnier than me.

6 Q. Skinnier as a what?

7 A. Skinnier than me.

8 Q. Skinnier than you?

9 A. Yeah. So David Haines, we had a lot of difficulties to
10 feed him because he had a lot of diarrheas. He could not keep
11 the food they were giving him. So we had to make some mixture
12 inside a water bottle with salt and sugar to try to hydrate
13 him.

14 Q. To try to hydrate him?

15 A. Yeah.

16 Q. And do you know what ultimately happened to David Haines?

17 A. Yes, they killed him.

18 Q. At some point in October 2013, were you asked to make a
19 proof-of-life video with the Beatles?

20 A. Yes.

21 Q. Please describe that for us.

22 A. One day they say that we are going to make a video so
23 they give us some shavers so we are to shave the beard and
24 they gave us orange suits, looking like Guantanamo suits and
25 they took us to a different room where we could see the flag

1 of the Islamic State behind. And they ask us one by one to go
2 in front of the camera and to -- I don't really remember what
3 they have to say. I think it was my name, my age, and they
4 asked me to look at the camera and to tell this. And then
5 there was another hostage after me came and do the same thing.

6 Q. When you say "they," was it all three Beatles?

7 A. Yeah. It was the three English-speaking guards that we
8 called the Beatles, yes.

9 Q. And all three were present for this proof-of-life video?

10 A. Yeah.

11 Q. And who were the hostages, other than you, that were
12 forced to do this?

13 A. We have Didier Francois, Federico Motka, David Haines, I
14 don't remember -- I think Steven Sotloff too because he was
15 with us. Marcos Marginedas, Daniel Rye Ottosen, Jeff Tobias
16 (ph), Nicholas Hénin. Yeah, I think, it was this one. Maybe
17 I forgot one.

18 Q. But the video that you participated in, who was present
19 for that?

20 A. The three guards and the hostage. And we also had some
21 French guards with us. Abu Idris, the one without this name,
22 was called Abu Idris, which was around two. It was only the
23 French guard coming to us, sometimes speaking with us. Which
24 appears to be like an Iran guy from an eastern state.

25 Q. Before we get to Abu Idris, were you doing this

1 proof-of-life video with the other French hostages?

2 A. Yes.

3 Q. And that would have been Nicholas Hénin, and Pierre
4 Torres, and Didier Francois?

5 A. Yes.

6 Q. And you mentioned a flag that was behind you. I want to
7 show you Government's Exhibit 3-14, which was previously
8 admitted into evidence.

9 Do you recognize the appearance of this flag?

10 A. Absolutely, yes. It is for Islamic State, ISIS flag,
11 yeah.

12 Q. And the flag behind you, during this proof-of-life video,
13 look similar to the flag shown in this exhibit?

14 A. Yes, exactly the same.

15 Q. Okay. Now, I want to get back to your mention of Abu
16 Idris?

17 A. Yeah.

18 Q. At some point at this Wood Factory or Sheik Najjar
19 prison, did you have a conversation with Abu Idris?

20 A. Yes. We have these guards coming to speak with us and
21 one day he took me out of the room. He make me climb to
22 another stair in a different area of the base and he make me
23 sit in front of him. So he removed his mask and I was in
24 front of him and he tried to discuss with me.

25 Q. And in what language?

1 A. In French. I felt like he was like a very good French,
2 but maybe with a little Belgium accent. It was really little.
3 And we spoke together. I was quite scared so my conversation
4 was not really, you know, I think, enough intellectual. But
5 he asked me when I was born. And I said 1991. And then he
6 laughed and said but what -- "In what month?"

7 I told him, "End of June." And then he told me, I
8 was born in May. So we are the same age."

9 Q. And almost the same date of birth?

10 A. Yes.

11 Q. 1991?

12 A. 1991. Because usually when you ask someone when they
13 give you the date or the year and you say the same year, and
14 they say, yeah, but what month, to make a comparison, you
15 know.

16 Q. And did you see Abu Idris occasionally throughout your
17 captivity?

18 A. Yes. I saw him sometimes and also with some other
19 guards, and also with English-speaking guards.

20 Q. And so, was Abu Idris present often in the same locations
21 where you would see the three Beatles?

22 A. Absolutely, yes.

23 Q. Now, during your captivity, did you ever hear the three
24 Beatles talk about someone by the name of Aafia Siddiqui?

25 A. Yes, I heard this name, yeah.

1 Q. What did you hear?

2 A. I heard the name and was speaking like about a prisoner,
3 but I could barely understand about the main topic of the
4 conversation. But I heard this name. I could recognize this
5 was an Arabic name.

6 Q. And you recall that name vividly?

7 A. Yeah.

8 Q. I want to now turn to December 2013. On or about
9 December 23, 2013, were you in the process of being moved to
10 another prison?

11 A. Yes.

12 Q. Describe for us what happened, if you recall, on that
13 day?

14 A. It was just before Christmas and we are preparing
15 Christmas so everyone was sparing a little bit of food to
16 make, like, a big cake, but the guards came before so we tried
17 to eat everything before getting out. It was quite like a
18 funny situation. But the thing is also the Beatles came. And
19 then a funny situation -- I think something more difficult.
20 They take our clothes off and they give us some orange
21 jumpsuits and they tried, like, they get us naked and they try
22 also to make our cough, you know, like, looking inside our
23 ass, if I'm hiding something. So it was, like, also big
24 humiliation. So they took us to a new place that we called
25 The Mansion.

1 Q. So they made you strip naked?

2 A. Yeah.

3 Q. Were all three Beatles present?

4 A. Yes, absolutely. I remember their light -- light --
5 yeah, light stuff, you know.

6 Q. And they were forcing you to bend down?

7 A. Yeah.

8 Q. While you were naked?

9 A. Yeah.

10 Q. And the orange jumpsuits that you were forced to change
11 into, were those similar to what you were wearing in the
12 proof-of-life video that you described in October of 2013?

13 A. Yes.

14 Q. Did they speak about the significance of the orange
15 jumpsuits?

16 A. Maybe I heard the word "Guantanamo," but I don't have all
17 exact sentence.

18 Q. Were you then moved to this new prison called The
19 Mansion?

20 A. Yes.

21 Q. Where was that located?

22 A. We thought it was, like, close to Idlib region which was
23 on the west of Syria, west on Halep.

24 Q. What was the temperature like there for you?

25 A. It was quite cold. It was in the middle of December and

1 we are under the ground, so on the basement. So it was
2 really, really, really cold, yeah.

3 Q. And that's the indoor temperature?

4 A. Yeah, I don't know how many degrees and we are all
5 starving so, so we have no fat, so, yeah, it was quite, quite
6 cold, yeah.

7 Q. Who transported you to that prison?

8 A. I don't remember exactly, but I think that the
9 English-speaking guards who are called the Beatles should come
10 with us, I think, but I don't remember which were exactly the
11 guards, no.

12 Q. When you were at this prison called The Mansion, where
13 you described it was very cold, did a western hostage join you
14 there?

15 A. Yes. A western hostage, which was Peter Kassig.

16 Q. I want to show you Exhibit 30-1, which has been
17 previously admitted.

18 A. Yeah, that's Peter, yeah.

19 Q. Describe for us your observations of Peter Kassig when
20 you met him for the first time?

21 A. When I met Peter for the first time, it was like -- he
22 was a young guy, a little bit like me, maybe a little bit
23 older, but he was speaking so fast, so strong accents that I
24 could not really understand what he was talking about. But he
25 seems to be really depressed. It was -- we could see that was

1 so hard for him. He was like excited and depressed at the
2 same time. So his behavior was some speaking very fast and
3 then stopping speaking. So we could see it was very hard for
4 him. And so, I stepped in the back also because I'm -- it was
5 quite hard to speak with him.

6 Q. Was he having trouble eating or drinking?

7 A. Yeah.

8 Q. Were you forced to learn the words of any songs at this
9 particular prison in Idlib?

10 A. Yes. The three guys -- the British-speaking guards that
11 we called the Beatles, they came inside the room and they
12 tried -- they tried -- they make us sing a remix of *Hotel*
13 *California*. So it was like a game for them. They were
14 hilarious about that. And, yeah, they asked us to sing
15 together. So it was like, Welcome Back to Hotel Osama, which
16 you will never leave, which you will never leave. And if you
17 try -- different words -- and if you should try, you will die
18 Mr. Bigley style.

19 And Mr. Bigley was, I think, a British citizen who
20 had been killed in Iraq. Beheaded. So it was like warning.
21 You came here, you will never leave this place, and you will
22 be killed by -- by beheading.

23 Q. Were all three Beatles present?

24 A. Yes.

25 Q. And you mentioned that they thought it was hilarious?

1 A. Yeah, completely. But every time they were asking us and
2 they make us repeat again and again and again, because it
3 seems to be so funny for them.

4 Q. Was it funny for you?

5 A. No, absolutely not. Now, I cannot listen to this song
6 anymore.

7 Q. You can't listen to *Hotel California* anymore?

8 A. No.

9 Q. Was John Cantlie forced to do anything at this time?

10 A. Yes. They asked him to make some fake interviews, or
11 some fake TV or speech. I don't know -- it seems to be like
12 an imitation of British or American channel or TV show or
13 something that I didn't knew. But, yeah, it was a game for
14 them. So they asked him also to do this for, like, minutes
15 and minutes, maybe half-hour, if they make John speak. John
16 try to imitate some actor, some speech, some stuff, and they
17 are laughing about that.

18 Q. And when you say "they" was it all three Beatles?

19 A. Always all three Beatles, yeah.

20 Q. Were you ultimately moved from this prison to another
21 prison known as The Office?

22 A. Yes.

23 Q. And where was that located?

24 A. It was quite close to the place from The Mansion. We
25 heard some bombings and some fightings quite close to the

1 place that we were in, The Mansion. And they moved us to The
2 Office, but it was like -- it was not like a usual move. We
3 thought that the guard was stressed or panicking. Something
4 was going wrong. So, yeah, they moved us. It was not like a
5 prepared place. It seems to me.

6 Q. Who moved you to this new prison?

7 A. I don't remember exactly which was the guards.

8 Q. What was going on in the general area at the time?

9 A. It was quite strange because on the morning we heard some
10 artillery shooting. Not on our position but not far. And I
11 was discussing with Didier Francois, my hostage, and he was
12 telling me that's very strange because artillery is coming
13 from the north. And usually it was coming from the south,
14 because the fighting were most about (indiscernible) and
15 stuff. Again, it was rebels against the Bashar, the regime
16 army. And I was telling Didier the things which is really
17 strange for me is that there is no airplanes, because every
18 time in Syria where there were some fightings, you heard
19 airplanes of a regime coming and bombing. So we figured out
20 that something different was going on. And we learned after
21 that the Islamic State started a war against the rebels in
22 Syria.

23 Q. At this particular prison called The Office, did a new
24 British hostage join you?

25 A. Yes. Alan Henning joined us.

1 Q. Alan Henning?

2 A. Yeah.

3 Q. Tell us about Alan Henning?

4 A. So he was a nice guy. They took us inside the cell.
5 Just the day before or two days before, he just crossed the
6 border on the west of Syria to yet -- to bring some stuff,
7 maybe some food, some medics with trucks. They told us he was
8 a taxi driver in England. And, you know, it was -- he was a
9 good guy, which is -- his place was not in the conflict area.

10 Q. And what was his demeanor like when you met him?

11 A. Sorry?

12 Q. What was his demeanor when you met Alan Henning?

13 A. Ugh, demeanor?

14 Q. Like, what was his condition?

15 A. He was also very scared. I don't know if he has been
16 tortured before, but, yeah, as everyone, could not sleep,
17 could not eat, he was scared.

18 Q. I want to direct your attention now to approximately
19 mid-January 2014. Were you moved from The Office prison to
20 another prison?

21 A. Yes. And this time the move takes days. We have all
22 been put inside a truck. All the hostages. So we are
23 just handcuffed two-by-two. So I was with -- they handcuffed
24 me to John Cantlie. And all the hostages, the way they
25 handcuffed us was different. It was not because of our

1 friendship, about nationality. I think it was about
2 nationality because all the French were handcuffed to some
3 people from British or America.

4 Q. So explain that. You are handcuffed to John Cantlie?

5 A. Yup.

6 Q. You're a French citizen?

7 A. And an English citizen. And it seems like they make this
8 choice because they knew that French and European country
9 negotiate and American and English do not negotiate.

10 Q. When you say "negotiate" you mean ransom negotiations?

11 A. Yeah.

12 Q. Hostage negotiations?

13 A. Hostages negotiations, yes.

14 Q. So did it appear to you that you were being handcuffed
15 with someone who was from a non-negotiating country?

16 A. Absolutely. We thought the guys and gals were quite
17 scared of the situation and doing this it was for avoiding
18 that some hostage, like American or English, like James Foley
19 and Cantlie and stuff, tried to escape.

20 Q. What do you mean by that they tried to escape?

21 A. Because one hostage have no hope, maybe he would try
22 something.

23 Q. When they had no hope?

24 A. Yeah. When there is no hope or you kill yourself or you
25 tried to escape.

1 Q. Who moved you from The Office prison to this other
2 prison?

3 A. There are a lot of guards. But at the same time in the
4 same place, we saw also this Abu Idris. There maybe like
5 maybe one guard we didn't see. And also, the three English
6 guards, who we called the Beatles, and also maybe some Syrian
7 guards. There were a lot of people, but all together in the
8 same place.

9 Q. And what was the name of the prison that you were
10 ultimately moved to?

11 A. We had been moved to, I think, Ar Raqqa. And it was
12 like we spent one day or two days in the place. Like a city
13 council place. I don't remember exactly the names. Maybe The
14 Old or something like this. I don't remember exactly the name
15 we give to this place. And then, we had been moved to
16 Riverside House. Why? Because this house, The Riverside
17 House, because we could see the Euphrates River from the
18 windows.

19 Q. The Euphrates River?

20 A. Yeah.

21 Q. Before we get to the Riverside prison. You mentioned
22 that you spent a day or two at another location?

23 A. Yes.

24 Q. Was that a transit prison?

25 A. It was like a transit prison, but they all come to us and

1 they all ask us to give phone numbers, address, about some
2 members of our families, and also maybe, I say maybe, because
3 I barely remember. Like amount of money that we had on our
4 accounts, bank accounts.

5 Q. When you say "they" who is asking you for this
6 information?

7 A. That was the Beatles. The English-speaking guards.

8 Q. All three?

9 A. All three.

10 Q. Before ultimately arriving at The Riverside prison, did
11 you see a significant ISIS presence?

12 A. Yeah. When we were on this truck, let's just imagine we
13 are like mostly -- I don't remember how many we were in this
14 truck, but all the hostage were handcuffed one to the other
15 ones in the orange suit without being able to -- sorry to say
16 it like this -- but to pee and to shit. So we have to try to
17 do it inside boxes, to pee inside bottles. But when you are
18 in the truck everything is -- everything is moving. So we are
19 starving, we are dirty, we are sitting in everyone, in each
20 others. It was a real mess and the guards saw that. And so,
21 they opened a little opening inside the truck -- it's not a
22 wall, but, you know, on the side of the truck so we can pour
23 everything out of the truck. And then --

24 Q. So you can what?

25 A. We can take water bottle with the pee and to pour it out

1 by the truck. It was a way to just put something out of the
2 truck. Just a little opening. And then we figured out, okay,
3 let's put our head inside. So it's okay. And that's at least
4 just see the sky because it has been like, I don't know how
5 many months, we are in the basement. We never saw the sky
6 from the beginning. So we took our head out. And I remember
7 I realized the size of this convoy. It was not just one or
8 two cars. It was plenty of cars with machine guns on it with
9 B and B, which are like, you know a tank troop, tank carrying
10 troops. We can see a lot of Russia, this kind of stuff, and
11 they all have the black flag of Islamic State, of ISIS. It
12 was like Mad Max convoy, with sand, with wind, and stuff.

13 Q. It was like what kind of convoy? I didn't hear that
14 part.

15 A. I say -- I make a reference to a movie called Mad Max.

16 Q. Mad Max?

17 A. Yeah. It was like, you know, in the middle of the desert
18 with south. I don't know hundreds of vipers, so making a
19 convoy, yeah.

20 Q. What did you realize about the Islamic State at that
21 point?

22 A. That it was not like was saying this was (indiscernible)
23 when they told us about we are Islamic State. The first thing
24 that we say is, What is this shitty group. You know. The new
25 captivity, the new group of armed guy, they found a name, they

1 are just them stupid guys. No. We figure out it was, like,
2 yeah, something serious.

3 Q. I want to now focus on The Riverside prison.

4 When you arrived at The Riverside prison, where were
5 the Beatles?

6 A. When we arrived to this Riverside, they came just close
7 to our room. It's like a very rich house. And on the first
8 floor you have, like, two rooms, and one in-between the two
9 rooms are like a big window with -- in glass. And they put
10 some stuff on it and they came to leave just -- just by our
11 room. So it is just behind us.

12 Q. All three Beatles?

13 A. Yeah, all the three Beatles. And we can see their
14 shadows. We can see them working on the computers. They try
15 to put us on CCTV in our room, but we never knew if it was
16 working or not. But they put this kind of pressure. Yeah,
17 they was really close to us, yeah.

18 Q. And you mentioned that it appeared that they were working
19 on a computer?

20 A. Yeah.

21 Q. Just describe that.

22 A. We could see them, you know, we could hear this noise.
23 You know the noise of pad. (Simulating typing.)

24 Q. Tapping of the key?

25 A. Yeah, tapping on the computer. We, sometimes, we could

1 hear that. And we also could see the position of the people
2 sitting and bending, you know, with, yeah, glass -- like
3 something in front of him plastic, positioned for working on
4 the computer.

5 Q. At The Riverside prison, were the Beatles continuing to
6 ask about proof-of-life questions?

7 A. On the Riverside, they spoke about that, but I don't
8 remember if they did the question of proof-of-life. They did
9 before and before that. Maybe now I can't give you like a
10 perfect of -- our real remembering.

11 Q. Right before you got to Riverside at that transit prison?

12 A. Yeah, we did one, yes. The question they ask us is our
13 address, name, phone number, phone number of families, and I
14 think I remember about the amount on the bank account.

15 Q. And you mentioned that you could see them working on a
16 laptop, were they still wearing the fully masked?

17 A. When I saw, it was a shadow working on the laptop so I
18 could not see faces.

19 Q. Just now you mentioned something about CCTV.

20 Are you referring to a camera that the Beatles
21 installed in your room?

22 A. Yeah. They tried to put up on the close to the window on
23 the door, like a little camera. But we never knew if it was
24 working or not.

25 Q. Did anything happen to American hostage, Peter Kassig, at

1 this prison?

2 A. Yes. We are coming inside -- inside the room, they were
3 speaking and speaking a lot with American hostage and British
4 hostages. And one day something went wrong with Peter Kassig
5 and they asked him to -- I don't know what purpose, but they
6 asked him to stand up for like for 24 hours. So he was just
7 standing in the middle of the room. So we knew that they
8 could see by this window, by the CCTV, or by the door if he
9 was standing. And so, he just stayed like that. So I
10 remember all hostages was trying to give him some water and a
11 little bit of food. And, yeah, he stayed like that for hours,
12 which is torture.

13 Q. Who forced him to do that?

14 A. The Beatles, the three English guards.

15 Q. Do you know why they forced him to do that?

16 A. I don't remember exactly why.

17 Q. Did you ever hear the term "English Defense League"?

18 A. Yes. In this area, one of the Beatles was speaking, I
19 think, with John -- John Cantlie. And I barely understand
20 what they were talking about, but when I heard "English
21 Defense League" I thought it was like a soccer club. So I
22 said, why are they speaking about soccer, because I didn't
23 knew about this, yeah, organization. So, yeah. I remember I
24 was -- why are they speaking about soccer. So I say, okay,
25 maybe ask. I did not really understand why, but I remember

1 exactly that I told him about that, yeah.

2 Q. And were all three Beatles present for that?

3 A. Yeah, always the three. I never see just one coming
4 inside the room. It was always the three guys at the same
5 time.

6 Q. What was James Foley's condition at this prison?

7 A. It was quite, let's say, the same as everyone. They have
8 the same amount of food. He was -- we are together. So it
9 was quite -- because of the proximity of these guards, the
10 Beatles were three English-speaking guards, they came to speak
11 to them more. So they are more pressure on them. They are
12 more stressed, more terrified, because they are always saying
13 when they are going to torture us as before again.

14 Q. And when you say they came to speak to them more, you are
15 referring to the Beatles?

16 A. Yeah, the Beatles and the English -- native
17 English-speaking prisoners. And mainly John Cantlie and James
18 Foley.

19 Q. So the American hostages and the UK hostages?

20 A. Yeah.

21 Q. And did it appear to you that the Americans and the
22 British hostages were being treated differently than the other
23 European hostages?

24 A. They had more pressure, yeah.

25 Q. Can you just give us any examples?

1 A. Because of them coming inside the room so everyone was
2 facing the wall, I'm talking about Riverside. And then they
3 go directly to James or John or to Peter, and they are
4 speaking with them but sometime while punching them.
5 Sometimes they were like -- it's putting some pressure. Every
6 time John was answering, sometimes they were laughing and
7 sometimes they were punching him.

8 Q. Is that also true of Steven Sotloff?

9 A. Yeah, also, yeah.

10 Q. Could you see outside of the Riverside prison?

11 A. Yes. There are like windows. So we could see by the
12 last windows, we could see some the Euphrates River, was a
13 beautiful landscape. And on the left windows we could see a
14 graveyard. And it was -- we saw one strange thing one day.
15 We could see that some flashlights on the graveyard. And
16 usually flashlights it's a way for snipers or fighters to take
17 position of having a nice opening to make open fires with long
18 range weapons. And immediately after that, when we stopped
19 seeing the flashlight, we see the three Beatles coming back
20 with big long boxes, that's the usual one where you put some
21 long range rifles, and they forced us to look outside the
22 room. So this is -- this is because for me it was like a
23 professional training stuff. It is not how a usual fighter
24 would do this.

25 Q. When the Beatles would enter your cell, did you

1 frequently see them armed?

2 A. Yes.

3 Q. And that was with Glock pistols?

4 A. Yeah.

5 Q. Was that unusual compared to the other day-to-day guards?

6 A. Usually you have guards with sticks or maybe AK-47.

7 Sometimes, but usually there are sticks and one guard -- one
8 guy was behind in the corridor with a AK-47, yeah.

9 Q. Were the Beatles the only guards that would come in with
10 Glock pistols inside the room?

11 A. Yeah.

12 Q. In February 2014, were you and your fellow hostages moved
13 to another prison?

14 A. Yes.

15 Q. What was the name of that prison?

16 A. We have been moved to the Desert Prison.

17 Q. And where is that located?

18 A. It was close in the south of Ar Raqqa. Nicholas Hénin
19 spoke about this prison because he have already been held at
20 the beginning of his capture in this prison.

21 Q. So you're saying back then when you were in captivity he
22 was telling you all about the prison?

23 A. Yeah. He knew this place.

24 Q. Because he had been held there earlier?

25 A. Yeah.

1 Q. I want to show you a few pictures which have previously
2 been admitted very briefly. Starting with Exhibit 3-7,
3 please.

4 Do you recognize this?

5 A. Absolutely. I think it was in the first door on the
6 right.

7 Q. Where you marked with a red dot?

8 A. Yeah, that was our room. And this is for going to the
9 toilets.

10 Q. The toilet is the one at the end of the hall?

11 A. Yes.

12 Q. And do you know who was staying in the room next to where
13 the male hostages were staying?

14 A. We thought it was a female hostage.

15 Q. Female hostage?

16 A. Yeah. But I thought -- I did not heard a lot about that.

17 MR. PAREKH: If we can now turn to Exhibit 3-8.

18 BY MR. PAREKH:

19 Q. Do you recognize 3-8?

20 A. Yeah, it seems to be the room, yeah.

21 Q. Seems to be the room where you were held?

22 A. With a whole lot of blankets inside. And imagine when
23 you have 18 people inside. It gets crowded. So it's strange
24 to see it empty.

25 Q. There were 18 people inside this room?

1 A. Yeah.

2 MR. PAREKH: If we can go to 3-9.

3 BY MR. PAREKH:

4 Q. Does this look familiar to you?

5 A. Absolutely. That was a stick of one of the guards. The
6 Arabic-speaking guard.

7 Q. Not the Beatles?

8 A. Not the Beatles. And he was knocking on the door of the
9 toilets, because when I told you about this corridor you can
10 see our room on the right and the toilet and they are taking
11 us to the toilet every day. And while we are going to pee or
12 to shit, sorry to say it like this, they are banging on the
13 door, yalla, yalla, hurry up, hurry up, go on guys. And he
14 was banging, yeah, with the stick.

15 Q. You're saying he was saying "hurry up, hurry up"?

16 A. Yeah.

17 MR. PAREKH: And if we can go to 3-18.

18 BY MR. PAREKH:

19 Q. Do you recognize this?

20 A. Absolutely. That was the sink where we could go and wash
21 our hands after going to the toilets and where the guards was
22 doing -- washing before the prayer.

23 Q. And did anything happen with regards to one of the
24 Tunisian guards?

25 A. Yes.

1 Q. Well, let me back up for a second. What type of guard
2 was it?

3 A. We felt he was like Arabic, maybe Tunisian, yeah. Maybe
4 he was an Arabic-speaking guy, yeah, a young Arabic-speaking
5 guy.

6 Q. But not the Beatle?

7 A. This was not the Beatles. One day, okay, let's imagine
8 you are 18 people in this cell. You can go only twice a day
9 to the toilet. We don't have the same shape. We have people
10 like David Haines, who are weak with diarrhea, so we put a
11 bucket inside the room. So where people who could not reach
12 the first time or second time to go to the toilet -- sorry to
13 say it like this -- but to shit inside. So it was really
14 dirty. It was smelling really -- it was hell inside this
15 room.

16 Every time we went to the toilets, as I was telling
17 you, the guy was banging on the door. So the first guy going
18 to the toilet have to take the bucket and to, like, could not
19 pee or shit because he was trying to pour the bucket inside
20 the toilet. And one day, I don't know why, Nicholas, Nicholas
21 Hénin, had an idea, Okay, I have an idea, I take the bucket
22 and I go first. Okay. So he got an idea, so, let's go. So I
23 was the second one. Nicholas went so I am following him. I
24 go inside the toilet and for the first time I have time. I
25 was quite happy to have time to do what I had to do.

1 I heard some noise, but banging noise, because it
2 was a stick, but not banging on the door. Banging on
3 something soft. I went out and then I saw Nicholas on the
4 floor with the guard was banging -- he was beating him. I
5 said, "What's happening?" And then I saw that he take this
6 bucket and he tried to put it in the sink where the guys was
7 washing for the prayer, which I think was quite stupid. So,
8 okay, do your stuff. And I went back in my room and I told
9 this to all the colleagues. Okay, so, we laughed a little bit
10 because it was maybe a stupid thing to do. But, yeah, that's
11 why I really remember the stick. And this was the stick of
12 this guard.

13 Q. Were the Beatles also coming to the Desert Prison?

14 A. Oh, yes. A lot.

15 Q. And when they would come to the Desert Prison, did you
16 notice that they were being security conscious?

17 A. Yeah. When they are coming to this prison, it was maybe
18 the times that they have also been very violent with us. They
19 were just waiting -- there was knocking on the door as their
20 way of knocking, so banging on the door, and waiting long
21 minutes behind the door, and we could smell them. Because we
22 are all stinking, but we have, like, you know, the perfume of
23 the guys and we could recognize them. So we are just waiting
24 for minutes and minutes kneeling in front of the wall with
25 hands on the wall like this (witness demonstrates), which is a

1 stretched position. And then they would just open like every
2 door come inside and picked random people and beat them. And
3 they asked questions and do what they wanted to do and there
4 always was three with gloves, with masks, and really quite
5 organized.

6 And because I -- I always would remember the feeling
7 when they took me to the throat -- just to push, to push, to
8 push, and then to release the thing on my throat and I could
9 faint because they blocked my blood pressure, and while
10 beating on me. So one was holding me, the other one was
11 beating me, and the third one was looking around, if maybe
12 another hostage couldn't do something. So they are always
13 walking together. And I always remember them -- the feeling
14 of the glove. It was quite harsh on my neck.

15 Q. What was your understanding of why they were wearing
16 gloves?

17 A. I think they always tried to protect themselves. It was
18 really -- more than the other guards. The other guards,
19 usually there are some face mask or keffiyeh, but the Beatles,
20 as far as these guards, always ask us to look at the wall.
21 Every time one was a little bit turning his head, he would
22 just be punched. That always trying to -- they never leave
23 anything inside the room. They always tried to avoid faces,
24 towards our eyes. So it's like security. I never saw their
25 face. Just one time. This was someone maybe with darker

1 skin, but the only time.

2 With the other guards, French and stuff, I always
3 find a way of taking maybe some information, but not with
4 them. I just see some shapes, some arms, some legs, some
5 moving things, which are beating me or beating the other ones.
6 But they are really, really like avoiding any way for us to
7 take like, you know, information and stuff.

8 Q. Were the three Beatles avoiding getting any of their
9 fingerprints on anything?

10 A. They have gloves. Long sleeves, no. I don't think, if I
11 could.

12 Q. You mentioned they would avoid leaving anything in the
13 room that they would have touched?

14 A. Yeah.

15 Q. Can you give us an example of any other beatings that
16 took place at this particular prison?

17 A. One day they was like punching Didier, one of my former
18 guy, on the leg because they knew that he had been wounded
19 before. So it was often with him a lot. So they came and
20 they tried to make like -- we are all around the wall -- so
21 they tried to work on us. But it was like a game for them.
22 It was the one who could make all the room, working on their
23 stage, running of their stage. So you think you took your
24 boot aside your own head. They were doing things like that.
25 There was walking behind us, and sometimes you would just hear

1 like this (witness snapping fingers) and one of the guy was
2 beaten.

3 Q. The snapping of the finger?

4 A. Yeah.

5 Q. And were all three Beatles present?

6 A. Always, yes.

7 Q. Did the Beatles ever say anything to you at this
8 particular prison?

9 A. Yes. Some months ago guards asked us to shave our head.
10 So I said, "No." So all the hostage went to be shaved and one
11 of the guy looked at me, and I said, "No, it's okay. Thank
12 you." And so I thought I was the only one who had the freedom
13 to say no to Islamic State so I was quite happy. But the
14 thing is that in this Desert Prison I was the only one with
15 really long hair. And one time one of the Beatles came to me
16 with knife, he put me on my ribs and he pressed it, and said,
17 "Now, you have to -- not to shave, but to make your hair
18 because you look like a fucking hippy."

19 Q. And that was a knife to your ribs?

20 A. Yeah.

21 THE COURT: Mr. Parekh, I'm going to take the
22 morning recess at this time. You'll finish this witness
23 today?

24 MR. PAREKH: Yes, Your Honor. I believe I have
25 probably less than 30 minutes.

1 THE COURT: All right. Ladies and gentlemen, we'll
2 take the morning recess. Mr. Elias, do I pronounce your name
3 correctly?

4 THE WITNESS: E-L-I-A-S. But as you want. It could
5 be Elias.

6 THE COURT: Elias.

7 THE WITNESS: Yeah. It's okay.

8 THE COURT: All right. You may step down, sir.
9 During the recess, do not discuss your testimony with anyone.
10 And maybe you can have a soft drink or something during the
11 recess and we'll continue at 10 minutes to 11:00.

12 THE WITNESS: Okay.

13 THE COURT: And you'll be done this morning.

14 THE WITNESS: Okay, great.

15 THE COURT: You may step down, sir. Remember not to
16 discuss your testimony with anyone.

17 (Witness excused.)

18 THE COURT: All right. Ladies and gentlemen, we'll
19 take the recess. Remember put your books in the customary
20 bucket or cubbyhole, and to refrain from discussing the matter
21 among yourselves with anyone or undertaking any investigation
22 on your own. We'll continue, I think I said at 10 minutes to
23 11:00. And one of the things I want you to discuss is what
24 time you want to begin Monday. It's entirely up to you. I
25 leave that to you.

1 You may follow the court security officer out.

2 (Jury dismissed.)

3 THE COURT: Court stands in recess until 10 minutes
4 to 11:00.

5 (Recess.)

6 THE COURT: You may bring the jury in and you all
7 may be seated until you hear the usual knock on the door.

8 MR. PAREKH: May we retrieve the witness?

9 THE COURT: Yes, he can come forward. Come forward,
10 sir. We're having the jury brought in, but you may go ahead
11 and have a seat in the jury box. When the jury comes in,
12 we'll all stand in honor of the jury, and then we'll proceed.

13 (Witness seated.)

14 THE COURT: About 30 or 45 more minutes, Mr. Parekh?

15 MR. PAREKH: It could be 15 or 20 minutes, Your
16 Honor.

17 THE COURT: All right. Thank you.

18 (Jury present.)

19 THE COURT: All right. You may be seated.

20 Ladies and gentlemen, as you requested, we will
21 begin Monday at 9:00 in the morning.

22 All right. And Mr. Elias, you'll remember that you
23 remain under oath. And Mr. Parekh, you may proceed and
24 complete your examination of Mr. Elias. Is it Elias or Elias?

25 THE WITNESS: Elias.

1 THE COURT: Elias.

2 THE WITNESS: Yes.

3 THE COURT: Norman. Normandy.

4 THE WITNESS: Exactly, yes.

5 THE COURT: All right. Proceed.

6 MR. PAREKH: Thank you, Your Honor.

7 BY MR. PAREKH:

8 Q. Mr. Elias, before we took a break, you were describing a
9 particular incident where one of the Beatles put a knife to
10 your ribs and said, "You look like a fucking hippy."

11 Excuse my French, Your Honor. Witness's words, not
12 mine.

13 Were the Beatles present at that time?

14 A. The three of them were present, yeah. Absolutely.

15 Q. And what happened next?

16 A. Next they, I think they continued to beat other people
17 inside the room and they went out.

18 Q. You previously testified that at this prison all three
19 Beatles were wearing gloves?

20 A. Yup.

21 Q. Are you familiar with the July 2014 raid that was done by
22 the U.S. military at this prison?

23 A. Yes, I hear about this raid, yeah.

24 Q. And was that raid done after your release?

25 A. Yes.

1 Q. And the gloves that all three Beatles were wearing was
2 frequently occurring at that particular prison where the raid
3 was done?

4 A. Absolutely, yes.

5 Q. During this particular prison, did the Beatles engage in
6 hostage negotiations?

7 A. Yes. They made some proof-of-life questions.

8 Q. Describe that.

9 A. The guys -- so the Beatles came inside the room and they
10 asked us some personal questions for French. I remember it
11 was questions about the color of my first car, the name of one
12 of my friends from Morocco. So I had to answer that question
13 and I was the only one to know it, like, real personal
14 question. So for us it was also, let's say, proof that the
15 question was coming from our state.

16 Q. How many Beatles participated in that process?

17 A. Always the three.

18 Q. Are you familiar with a former Russian hostage by the
19 name of Sergei?

20 A. Yes.

21 Q. Did there come a time at this particular prison in Raqqah
22 when something happened to Sergey?

23 A. Yes. They took him out of the room.

24 Q. Who is they?

25 A. The Beatles always, the three English-speaking guards.

1 And they came back, I think a few days later, I don't remember
2 how many days after they came back, and we are all -- always
3 looking at the wall, and they came, one by one on, on off
4 stage to show us an iPad where there are pictures of the face
5 of Sergey being shot dead. And they asked us also to look at
6 the pictures and describe it, to say, yes, this is Sergey and
7 he's dead.

8 Q. With the assistance of the court security officer, I'd
9 like you to turn to Exhibit 10-20.

10 A. How many?

11 Q. It's Exhibit 10-20.

12 A. Yes, the Beatles on the iPad.

13 Q. If you can move yourself closer to the microphone.

14 A. Sorry. This is the picture that I saw on the iPad, which
15 is Sergey with blood on his face.

16 MR. PAREKH: Your Honor, we're not going to publish
17 at this time. The jury previously saw the picture.

18 THE COURT: All right. Proceed.

19 MR. PAREKH: And it's been admitted into evidence.

20 BY MR. PAREKH:

21 Q. After you were shown this photograph, what do you recall
22 the Beatles saying?

23 A. They told -- what I remember, and I don't remember
24 exactly the word, but they told us you should speak the one --
25 if someone gets out and speaks, this is what is going to

1 happen to the other one.

2 Q. How were you feeling at this time?

3 A. I was quite afraid, but also they speak about getting
4 out.

5 Q. Did there come a point in time where hostages started to
6 be released?

7 A. It happened a time when some hostages after we did
8 proof-of-life, get out of a room. So we didn't know if they
9 were being released or not. We thought, but being that you
10 don't trust anything about what the guard say, so, yes, we saw
11 some hostages leaving the room after making some proof-of-life
12 questions. So it start with -- maybe if it's a
13 good (indiscernible) they'll start with Marcos Marginedas and
14 then Javier Espinosa and Ricardo Vilanova, and I think we were
15 the next ones.

16 Q. And the three hostages you just named are former Spanish
17 hostages?

18 A. Yes.

19 Q. During this period, were the Beatles engaging in
20 beatings?

21 A. Yes. It was really, really, really strange. Every time
22 some guys were going to get out of the room they are beating
23 the next ones who had proof-of-life questions. In front of
24 the guy that are going to get out. As I can explain, before
25 was Spanish was taken out of the room, they beat the French

1 ones. So Didier, Nicholas, Pierre, and me. And there also
2 was a guy from Medecins Sans Frontieres, where I don't
3 remember the name.

4 (Court reporter clarification.)

5 THE COURT: I think you said Medecins Sans
6 Frontieres.

7 THE WITNESS: Yes, Medecins Sans Frontieres, which
8 is a French-known government organization.

9 THE COURT: Doctors Without Borders.

10 THE WITNESS: Doctors Without Borders, yeah.

11 BY MR. PAREKH:

12 Q. And so, what was your understanding at that time as to
13 why those beatings were occurring?

14 A. Our understanding is the guards knew which hostages were
15 going to get out. And they were trying to beat the next one
16 so the guys getting out now look at them and could say it's a
17 hard situation. The guys are beaten. The situation is
18 difficult. So hurry up to continue the negotiations.

19 Q. Describe the beatings that were occurring at this time?

20 A. It was always the same. So while taking us in the middle
21 of the room, one by one, and then they are punching us like,
22 you know, like, boxing -- like you are just a boxing bag. So
23 one or two were holding us and the other one was making some
24 box trick on us. On the face, on the -- many on the body.
25 Many.

1 Q. Were all three Beatles always present for these beatings?

2 A. Yes, because you always had one or two holding you and
3 one beating you.

4 Q. I want to direct your attention now to the date April 11,
5 2014. Do you recall seeing any American female hostages on or
6 about that date?

7 A. Yes, absolutely. I was on the right of the room and it
8 seems that they are going to get us out and then a new person
9 came inside. It was a female woman and she told us that her
10 name was Kayla Mueller and she spoke with Didier Francois and
11 I was close to them, but I didn't understand everything about
12 what they're saying, but, yes, I remember her name. And I
13 looked at the shape of the woman. She had a veil on her face
14 and, yeah, she was also very tired.

15 Q. What do you recall about that interaction with Kayla
16 Mueller?

17 A. I didn't have one with her. She spoke with Didier. I
18 don't remember if she told him about the name, about -- I have
19 no really remembering about that, but I remember she was
20 there.

21 Q. Were all three Beatles present when Kayla Mueller --

22 A. Yeah, because they brought her inside the room, yeah.

23 Q. Were all three Beatles listening to the conversation?

24 A. Absolutely, yeah.

25 Q. Were they all fully masked?

1 A. Yes. That's why I was a little bit behind because they
2 were in front of me -- between Kayla Mueller and me. I was
3 close to the wall and she was a little bit in the middle of
4 the room.

5 Q. And you understand what I mean by fully masked, correct?

6 A. Yeah, completely.

7 Q. Did they always wear those masks where you could only see
8 their eyes?

9 A. Yes.

10 Q. On or about the next day, April 12, 2014, did something
11 notable happen?

12 A. Yes, they took the French hostage, so Nicholas, Pierre,
13 Didier, and me out of the cell and they --

14 Q. Who is they?

15 A. Always the Beatles.

16 And they put us in a car or truck, I don't really
17 remember. And we arrived in a new place where we have been
18 say for four or five days held together, just the four French,
19 and then we were freed after.

20 Q. Was this new place a transit location?

21 A. Yes, it was a transit location, yeah.

22 Q. Before you were ultimately released?

23 A. Yes.

24 Q. At this particular transit location, did the Beatles
25 arrive?

1 A. I don't remember. But I remember that when we get out of
2 this place, we saw a grey car, a pickup car, which was the
3 same that we saw under the little -- the blindfold, when we
4 get to the new -- when we get out of the Desert Prison on the
5 truck, I saw the same car with maybe the Beatles getting
6 inside this car.

7 Q. The three Beatles?

8 A. Yeah. And I saw the same car parking just in front of
9 transit location when we get out.

10 Q. Did something happen to Pierre Torres at that time?

11 A. Yeah, he slipped on the floor and they -- and I think he
12 hurt himself on the leg.

13 Q. Explain why that happened?

14 A. I don't really remember, maybe because of soap, something
15 like this, because I'm not really used to use soap. So I
16 think he slipped on it.

17 Q. Were the Beatles present at that time?

18 A. I don't remember.

19 Q. Did the Beatles ultimately arrive at some point prior to
20 your eventual release?

21 A. Yeah, because this car followed us until the last place,
22 which is a little hill where the guard -- like random -- I
23 don't know if it was like Syrians or Iraqis, Arabic-speaking
24 guards took us to the border, to Turkish.

25 Q. And did the Beatles talk to you before you were released?

1 A. No. No.

2 Q. At some point prior to your release, did the Beatles talk
3 to you about what you should do when you do get released?

4 A. Yeah, maybe more what we should not do.

5 Q. Please describe.

6 A. We should not speak about the other hostages and we
7 should not go to the press, we should not speak also to our
8 government or they are going to kill the other hostages.

9 Q. And the reason for that was because they would kill the
10 other hostages?

11 A. Yeah.

12 Q. Did you believe that the Beatles were trying to silence
13 you?

14 A. Of course, yes.

15 Q. And was that all three Beatles?

16 A. All three Beatles all together. One was speaking, but
17 the other one were with him, yeah.

18 Q. Did you follow those orders from the Beatles?

19 A. Yes -- no, I speak to my government, but I didn't go to
20 the press.

21 Q. You didn't go public?

22 A. No.

23 Q. Did the three Beatles mention to you the specific mode of
24 killing that would be used if you went public?

25 A. They spoke about beheading, yeah.

1 Q. Beheadings?

2 A. Yeah.

3 MR. PAREKH: No further questions, Your Honor.

4 MS. GINSBERG: No questions.

5 THE COURT: All right. Mr. Elias, you may step
6 down, sir.

7 May this witness be excused?

8 MR. PAREKH: Yes, he can.

9 THE COURT: Any objection to that?

10 MS. GINSBERG: No, sir.

11 THE COURT: All right, sir. You may be excused and,
12 of course, you're entirely welcome to remain in the courtroom
13 in the future in this case because you were excluded before
14 this, because you weren't here, but witnesses typically can't
15 be present. But now you have the right to be present, but you
16 also have the right to go home, and do what you wish.

17 THE WITNESS: Thank you very much.

18 THE COURT: You may depart.

19 (Witness excused.)

20 THE COURT: All right. Let's see if we can give the
21 jury, Mr. Parekh, a clearer idea where we are. We will begin
22 Monday at 9 o'clock and at that time we will have seven
23 witnesses remaining in this case.

24 MR. PAREKH: Yes, Your Honor, that's correct.

25 THE COURT: And those seven witnesses will take more

1 than one day, is that right?

2 MR. PAREKH: That's right, Your Honor. But we still
3 anticipate concluding our case in chief on Tuesday.

4 THE COURT: All right. And, of course, ladies and
5 gentlemen, as I've told you, it isn't proper, it isn't right
6 for me to ask the defendants and I'm not going to. They are
7 entitled to wait until the government finishes its case. And
8 remember, the defendant has no burden to prove his innocence.
9 He's not required to testify. And he's not required to
10 present any evidence. He has the opportunity to, but he's not
11 required to. And therefore, I will wait until then to ask,
12 but I think there is some possible ability and reason to
13 believe that we may be finished with the evidence in this case
14 Tuesday or at the latest Wednesday, at which time, you will
15 then hear argument by the lawyers in which they will summarize
16 and interpret the evidence that we've heard for the past two
17 weeks, then it will be the third week, for you to consider.

18 However, remember that their recollection of what
19 the evidence was is not controlling. It is your recollection
20 of what the evidence was that controls during your
21 deliberations. And then, after they make their arguments to
22 you, in which they'll summarize and interpret the evidence for
23 you, I will give you instructions on the law. And you'll be
24 required to follow those instructions whether you agree with
25 them or not. And after that, you'll be permitted to retire to

1 deliberate on your verdict and you may deliberate as long or
2 as little as you like. That's entirely up to you.

3 All right. Remember now on this weekend to put this
4 matter to one side and put it out of your mind. Don't discuss
5 the matter with anyone. Don't undertake any investigation on
6 the computer or anything else. Don't look up Mr. Parekh's
7 name, or Ms. Ginsberg's name, or Mr. MacMahon's name. Don't
8 look up anything at all having anything to do with this case
9 because you're to decide this case, as I told you at the
10 outset, solely on the basis of the evidence you see and hear
11 presented in this case and the Court's instructions on the
12 law.

13 Leave your books in the customary cubbyholes and
14 your lunches will be here momentarily. You may either eat
15 them or go home, but I don't think the baked Alaskan will last
16 very long. Let me confirm with Ms. Randall whether the
17 lunches are here yet.

18 THE DEPUTY CLERK: Thirteen more minutes.

19 THE COURT: They will be here in 30 minutes.

20 THE DEPUTY CLERK: Thirteen minutes, 11:30.

21 THE COURT: And if she says 13 minutes, she's not
22 kidding, because I think the persons delivering the lunches
23 know who is requiring what time they are to be submitted and
24 they don't want to cross that line. So I invite you to remain
25 here.

1 The court security officer will remain here and
2 we'll take those of you, who wish, to your cars if you -- I
3 don't know whether the press is out there or not, but I think
4 the deputy marshal should know that there may be a need for
5 that so that they can get to their cars and go home. And I'll
6 see you Monday at 9 o'clock. Thank you for your close and
7 careful attention to the evidence.

8 You may follow the court security officer out.

9 (Jury dismissed.)

10 THE COURT: All right. You may be seated. Anything
11 else to accomplish on behalf of the government?

12 MR. PAREKH: Not from the government.

13 THE COURT: Ms. Ginsberg, on behalf of the defense?

14 MS. GINSBERG: No, Your Honor.

15 THE COURT: I will see you all on Monday morning at
16 9 o'clock. Court stands in recess.

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18 **(Proceedings adjourned at 11:19 a.m.)**
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CERTIFICATE OF REPORTER

I, Tonia Harris, an Official Court Reporter for the Eastern District of Virginia, do hereby certify that I reported by machine shorthand, in my official capacity, the proceedings had and testimony adduced upon the Jury Trial in the case of the **UNITED STATES OF AMERICA versus EL SHAFEE ELSHEIKH**, Criminal Action No.: 1:20-cr-239, in said court on the 8th day of April, 2022.

I further certify that the foregoing 77 pages constitute the official transcript of said proceedings, as taken from my machine shorthand notes, my computer realtime display, together with the backup tape recording of said proceedings to the best of my ability.

In witness whereof, I have hereto subscribed my name, this October 24, 2022.



Tonia M. Harris, RPR
Official Court Reporter